

August 6, 2010

Via Fedex

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
Keystone Building, 2<sup>nd</sup> Floor Room N201  
Harrisburg, PA 17120

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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Re: AP Gas & Electric (PA), LLC

Electric Generation Supplier (EGS) License Application

To Secretary of Pennsylvania Public Utility Commission,

Please find attached the following executed documents for filing for AP Gas & Electric (PA), LLC, a Texas limited liability company:

- 1) Electric Generation Supplier (EGS) License Application – Original;
- 2) Electric Generation Supplier (EGS) License Application – Copies (x3);
- 3) Confidential Exhibits – Filed in Sealed Envelope;
- 4) Electronic copy of Electric Generation Supplier (EGS) License Application

Please find enclosed check in the amount of **\$350** for payment for the above referenced applications. If there is anything else I can do, please feel free to contact me.

Respectfully submitted,

AP GAS & ELECTRIC (PA), LLC

By: \_\_\_\_\_

Jeffrey Chen

TX State Bar No. 24036098

6161 Savoy Drive, Suite 500  
Houston, Texas 77036  
Phone: 713-337-2835  
Fax: 713-337-2905

CC

**Irwin A. Popowsky**

Office of Consumer Advocate  
5th Floor, Forum Place  
555 Walnut Street  
Harrisburg, PA 17120

**William R. Lloyd, Jr.**

Commerce Building, Suite 1102  
Small Business Advocate  
300 North Second Street  
Harrisburg, PA 17101

**Gary A. Jack, Assistant General Counsel**

**Duquesne Light Company**  
411 Seventh Street, MD 16-4  
Pittsburgh, PA 15219

(Metropolitan Edison Company or Pennsylvania Electric Company)

Blaine W. Uplinger, Jr., Director of Governmental and Regulatory Affairs

**FirstEnergy**

100 APC Building  
800 North Third Street  
Harrisburg, PA 17102-2025

**Carlo L. Ciabattini, Manage Energy Acquisition**

**PECO Energy Company**  
2301 Market Street  
Philadelphia, PA 19101-8699

**Office of the Attorney General**

Bureau of Consumer Protection  
Strawberry Square, 14th Floor  
Harrisburg, PA 17120

**Commonwealth of Pennsylvania**

Department of Revenue  
Bureau of Compliance  
Harrisburg, PA 17128-0946

**John P. Litz, Division Controller**

**UGI Utilities, Inc.**  
Electric Division  
400 Stewart Road  
Hanover Industrial Estates  
Wilkes-Barre, PA 18773-3200

**Paul E. Russell,**

Associate General Counsel

**PPL**

Two North Ninth Street  
Allentown, PA 18108-1179

**Stephen L. Feld, Attorney**

**Pennsylvania Power Company**

**First Energy Corporation**  
76 South Main Street  
Akron, OH 44308

**John L. Munsch, Attorney**

**Allegheny Power**  
800 Cabin Hill Drive  
Greensburg, PA 15601-1689

## BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of **AP Gas & Electric (PA), LLC**, d/b/a **APG&E**, d/b/a **AP Gas & Electric**, for approval to offer, render, furnish, or supply electricity or electric generation services as a(n) **Broker/Marketer engaged in the business of supplying electricity** to the public in the Commonwealth of Pennsylvania.

To the Pennsylvania Public Utility Commission:

1. **IDENTITY OF THE APPLICANT:** The name, address, telephone number, and FAX number of the Applicant are:

**AP Gas & Electric (PA), LLC  
d/b/a APG&E  
d/b/a AP Gas & Electric**

**6161 Savoy Drive, Suite 500  
Houston, Texas 77036  
Ph: 713-337-2835  
Fax: 713-337-2905**

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Please identify any predecessor(s) of the Applicant and provide other names under which the Applicant has operated within the preceding five (5) years, including name, address, and telephone number.

**None**

2. a. **CONTACT PERSON:** The name, title, address, telephone number, and FAX number of the person to whom questions about this Application should be addressed are:

**Jeffrey Chen, Esq.  
6161 Savoy Drive, Suite 500  
Houston, Texas 77036  
Ph: 713-337-2835  
Fax: 713-337-2905**

- b. **CONTACT PERSON-PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY:** The name, title, address telephone number and FAX number of the person with whom contact should be made by PEMA:

**Rahim Visram, Manager of Operations  
6161 Savoy Drive, Suite 500  
Houston, Texas 77036  
Ph: 713-337-2828  
Mobile: 832-630-5550  
Fax: 713-337-2905**

- 3.a. **ATTORNEY:** If applicable, the name, address, telephone number, and FAX number of the Applicant's attorney are:

**Not Applicable**

b. REGISTERED AGENT: If the Applicant does not maintain a principal office in the Commonwealth, the required name, address, telephone number and FAX number of the Applicant's Registered Agent in the Commonwealth are:

**Registered Agent Solutions, Inc.**  
125 Locust Street  
Harrisburg, PA 17101  
Ph: (888) 705-7274  
Fax: (888) 706-7274

4. **FICTITIOUS NAME:** (select and complete appropriate statement)

The Applicant will be using a fictitious name or doing business as ("d/b/a"):

**APG&E**

**AP Gas & Electric**

Attach to the Application a copy of the Applicant's filing with the Commonwealth's Department of State pursuant to 54 Pa. C.S. §311, Form PA-953. **(See Confidential Exhibit A)**

**or**

The Applicant will not be using a fictitious name.

5. **BUSINESS ENTITY AND DEPARTMENT OF STATE FILINGS:** (select and complete appropriate statement)

The Applicant is a sole proprietor.

If the Applicant is located outside the Commonwealth, provide proof of compliance with 15 Pa. C.S. §4124 relating to Department of State filing requirements.

**or**

The Applicant is a:

- domestic general partnership (\*)
- domestic limited partnership (15 Pa. C.S. §8511)
- foreign general or limited partnership (15 Pa. C.S. §4124)
- domestic limited liability partnership (15 Pa. C.S. §8201)
- foreign limited liability general partnership (15 Pa. C.S. §8211)
- foreign limited liability limited partnership (15 Pa. C.S. §8211)

Provide proof of compliance with appropriate Department of State filing requirements as indicated above.

Give name, d/b/a, and address of partners. If any partner is not an individual, identify the business nature of the partner entity and identify its partners or officers.

- \* If a corporate partner in the Applicant's domestic partnership is not domiciled in Pennsylvania, attach a copy of the Applicant's Department of State filing pursuant to 15 Pa. C.S. §4124.

or

The Applicant is a :

- domestic corporation (none)  
 foreign corporation (15 Pa. C.S. §4124)  
 domestic limited liability company (15 Pa. C.S. §8913)  
 foreign limited liability company (15 Pa. C.S. §8981)  
 Other \_\_\_\_\_

Provide proof of compliance with appropriate Department of State filing requirements as indicated above. Additionally, provide a copy of the Applicant's Articles of Incorporation. **(See Confidential Exhibit B)**

Give name and address of officers.

**Kamran Virani, Chief Executive Officer**  
**AP Gas & Electric (PA), LLC**  
**6161 Savoy Drive, Suite 500**  
**Houston, Texas 77036**

**Chris Weaver, Chief Financial Officer**  
**AP Gas & Electric (PA), LLC**  
**6161 Savoy Drive, Suite 500**  
**Houston, Texas 77036**

**Chris Martin, Vice President of Marketing**  
**AP Gas & Electric (PA), LLC**  
**6161 Savoy Drive, Suite 500**  
**Houston, Texas 77036**

The Applicant is incorporated in the state of Texas.

6. **AFFILIATES AND PREDECESSORS WITHIN PENNSYLVANIA:** (select and complete appropriate statement)

Affiliate(s) of the Applicant doing business in Pennsylvania are:

Give name and address of the affiliate(s) and state whether the affiliate(s) are jurisdictional public utilities.

If the Applicant or an affiliate has a predecessor who has done business within Pennsylvania, give name and address of the predecessor(s) and state whether the predecessor(s) were jurisdictional public utilities.

or

- The Applicant has no affiliates doing business in Pennsylvania or predecessors which have done business in Pennsylvania.

7. **APPLICANT'S PRESENT OPERATIONS:** (select and complete the appropriate statement)

- The Applicant is presently doing business in Pennsylvania as a
- vertically-integrated provider of generation, transmission, and distribution services.
  - municipal electric corporation providing service outside its municipal limits.
  - electric cooperative
  - local gas distribution company
  - nonintegrated provider of electric generation, transmission or distribution services.
  - Other. (Identify the nature of service being rendered.)

or

- The Applicant is not presently doing business in Pennsylvania.

8. **APPLICANT'S PROPOSED OPERATIONS:** The Applicant proposes to operate as a:

- Generator and supplier of electric power.
- Municipal generator and supplier of electric power.
- Electric Cooperative and supplier of electric power
- Broker/Marketer engaged in the business of supplying electricity.
- Aggregator engaged in the business of supplying electricity
- Other (Describe):

9. **PROPOSED SERVICES:** Generally describe the electric services or the electric generation services which the Applicant proposes to offer.

**AP Gas & Electric (PA), LLC seeks to operate as a retail electricity provider to both residential and small to medium commercial customers throughout the state of Pennsylvania.**

10. **SERVICE AREA:** Generally describe the geographic area in which Applicant proposes to offer services.

**Applicant seeks to providing services throughout the state of Pennsylvania, including but not limited to the distribution areas serviced by PECO Energy Company, Duquesne Light Company, Metropolitan Edison Company or Pennsylvania Electric Company, UGI Utilities, Inc., PPL, Pennsylvania Power Company and Allegheny Power.**

11. **CUSTOMERS:** Applicant proposes to initially provide services to:

- Residential Customers
- Commercial Customers - (25 kW and Under)
- Commercial Customers - (Over 25 kW)
- Industrial Customers
- Governmental Customers
- All of above
- Other (Describe):

12. **FERC FILING:** Applicant has:

- Filed an Application with the Federal Energy Regulatory Commission to be a Power Marketer.
- Received approval from FERC to be a Power Marketer at Docket or Case Number \_\_\_\_\_.
- Not applicable

13. **START DATE:** The Applicant proposes to begin delivering services on **September 10, 2010 or earlier (for testing)**. (approximate date).

14. **NOTICE:** Pursuant to Section 5.14 of the Commission's Regulations, 52 Pa. Code §5.14, serve a copy of the signed and verified Application with attachments on the following:

Irwin A. Popowsky  
Office of Consumer Advocate  
5th Floor, Forum Place  
555 Walnut Street  
Harrisburg, PA 17120

Office of the Attorney General  
Bureau of Consumer Protection  
Strawberry Square, 14th Floor  
Harrisburg, PA 17120

William R. Lloyd, Jr.  
Commerce Building, Suite 1102  
Small Business Advocate  
300 North Second Street  
Harrisburg, PA 17101

Commonwealth of Pennsylvania  
Department of Revenue  
Bureau of Compliance  
Harrisburg, PA 17128-0946

Any of the following Electric Distribution Companies through whose transmission and distribution facilities the applicant intends to supply customers:

Gary A. Jack, Assistant General Counsel  
**Duquesne Light Company**  
411 Seventh Street, MD 16-4  
Pittsburgh, PA 15219

John P. Litz, Division Controller  
**UGI Utilities, Inc.**  
**Electric Division**  
400 Stewart Road  
P.O. Box 3200  
Hanover Industrial Estates  
Wilkes-Barre, PA 18773-3200

(Metropolitan Edison Company or Pennsylvania Electric Company)  
Blaine W. Uplinger, Jr., Director of Governmental and Regulatory Affairs  
**FirstEnergy**  
100 APC Building  
800 North third Street  
Harrisburg, PA 17102-2025

Paul E. Russell, Associate General Counsel  
**PPL**  
Two North Ninth Street  
Allentown, PA 18108-1179

Carlo L. Ciabattoni, Manage Energy Acquisition  
**PECO Energy Company**  
2301 Market Street  
Philadelphia, PA 19101-8699  
215.841.4210  
[carlo.ciabattoni@exeloncorp.com](mailto:carlo.ciabattoni@exeloncorp.com)

Stephen L. Feld, Attorney  
**Pennsylvania Power Company**  
**First Energy Corporation**  
76 South Main Street  
Akron, OH 44308

John L. Munsch, Attorney  
**Allegheny Power**  
800 Cabin Hill Drive  
Greensburg, PA 15601-1689

Pursuant to Sections 1.57 and 1.58 of the Commission's Regulations, 52 Pa. Code §§1.57 and 1.58, attach Proof of Service of the Application and attachments upon the above named parties. Upon review of the Application, further notice may be required pursuant to Section 5.14 of the Commission's Regulations, 52 Pa. Code §5.14.

(See Confidential Exhibit C)

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SECRETARY'S BUREAU**



15. **TAXATION:** Complete the TAX CERTIFICATION STATEMENT attached as Appendix B to this application.

**CONFIDENTIAL INFORMATION, See Confidential Exhibit D. Filed as Confidential as the information disclosed requires sensitive and confidential information (i.e. social security number, etc.) as to the officers of the company.**

16. **COMPLIANCE:** State specifically whether the Applicant, an affiliate, a predecessor of either, or a person identified in this Application has been convicted of a crime involving fraud or similar activity. Identify all proceedings, by name, subject and citation, dealing with business operations, in the last five (5) years, whether before an administrative body or in a judicial forum, in which the Applicant, an affiliate, a predecessor of either, or a person identified herein has been a defendant or a respondent. Provide a statement as to the resolution or present status of any such proceedings.

**None.**

17. **STANDARDS, BILLING PRACTICES, TERMS AND CONDITIONS OF PROVIDING SERVICE AND CONSUMER EDUCATION:** Electricity should be priced in clearly stated terms to the extent possible. Common definitions should be used. All consumer contracts or sales agreements should be written in plain language with any exclusions, exceptions, add-ons, package offers, limited time offers or other deadlines prominently communicated. Penalties and procedures for ending contracts should be clearly communicated.

- a. **Contacts for Consumer Service and Complaints:** Provide the name, title, address, telephone number and FAX number of the person and an alternate person responsible for addressing customer complaints. These persons will ordinarily be the initial point(s) of contact for resolving complaints filed with Applicant, the Electric Distribution Company, the Pennsylvania Public Utility Commission or other agencies.

**Amir Khan, Manager of Customer Service**  
AP Gas & Electric (PA), LLC  
6161 Savoy Drive, Suite 500  
Houston, Texas 77036  
Ph: 713-337-2825  
Fax: 713-337-2974

**Rahim Visram, Manager of Operations (Alternate)**  
AP Gas & Electric (PA), LLC  
6161 Savoy Drive, Suite 500  
Houston, Texas 77036  
Ph: 713-337-2828  
Fax: 281-840-5015

- b. Provide a copy of all standard forms or contracts that you use, or propose to use, for service provided to residential customers.

**Please See Attached Confidential Exhibit E**

- c. If proposing to serve Residential and/or Small Commercial (under 25 kW) customers, provide a disclosure statement. A sample disclosure statement is provided as Appendix C to this Application.

**Please See Attached Confidential Exhibit E**

18. **BONDING:** In accordance with 66 PA. C.S. Section 2809(C) (1)(I), the Applicant is:

- Furnishing a copy of initial bond, letter of credit or proof of bonding to the Commission in the amount of \$250,000.

**Please See Attached Confidential Exhibit F (\$250,000 letter of credit)**

- Furnishing proof of other initial security for Commission approval, to ensure financial responsibility.
- Filing for a modification to the \$250,000 and furnishing a copy of an initial bond, letter of credit or proof of bonding to the Commission for the amount of \$\_\_\_\_\_. Applicant is required to provide information supporting an amount less than \$250,000.

At the conclusion of Applicant's first year of operation it is the intention of the Commission to tie security bonds to a percentage of Applicant's gross receipts resulting from the sale of generated electricity consumed in Pennsylvania. The amount of the security bond will be reviewed and adjusted on an annual basis.

19. **FINANCIAL FITNESS:**

A. Applicant shall provide sufficient information to demonstrate financial fitness commensurate with the service proposed to be provided. Examples of such information which may be submitted include the following:

- Actual (or proposed) organizational structure including parent, affiliated or subsidiary companies.
- Published parent company financial and credit information.
- Applicant's balance sheet and income statement for the most recent fiscal year. Published financial information such as 10K's and 10Q's may be provided, if available.
- Evidence of Applicant's credit rating. Applicant may provide a copy of its Dun and Bradstreet Credit Report and Robert Morris and Associates financial form or other independent financial service reports.
- A description of the types and amounts of insurance carried by Applicant which are specifically intended to provide for or support its financial fitness to perform its obligations as a licensee.
- Audited financial statements
- Such other information that demonstrates Applicant's financial fitness.

**CONFIDENTIAL INFORMATION, Confidential Exhibit G. Information required for this Request asks for disclosure of privileged and confidential financial information of a privately held company, not readily available to the public.**

B. Applicant must provide the following information:

- Identify Applicant's chief officers including names and their professional resumes.

**CONFIDENTIAL INFORMATION, Confidential Exhibit G. Information required for this Request asks for disclosure of privileged and confidential financial information of a privately held company, not readily available to the public.**

- Provide the name, title, address, telephone number and FAX number of Applicant's custodian for its accounting records.

**Chris Weaver, Chief Financial Officer**  
**AP Gas & Electric (PA), LLC**  
**6161 Savoy Drive, Suite 500**  
**Houston, Texas 77036**  
**Ph: 713-337-2822**  
**Fax: 713-337-2905**

20. **TECHNICAL FITNESS:** To ensure that the present quality and availability of service provided by electric utilities does not deteriorate, the Applicant shall provide sufficient information to demonstrate technical fitness commensurate with the service proposed to be provided. Examples of such information which may be submitted include the following:

- The identity of the Applicant's officers directly responsible for operations, including names and their professional resumes.
- Proposed staffing and employee training commitments
- Business plans
- Documentation of membership in ECAR, MAAC or other regional reliability councils shall be submitted if applicable to the scope and nature of the applicant's proposed services.
- An affidavit stating that you will adhere to the reliability protocols of the North American Electric Reliability Council, the appropriate regional reliability council(s), and the Commission, and that you agree to comply with the operational requirements of the control area(s) within which you provide retail service.

**CONFIDENTIAL INFORMATION, Confidential Exhibit H. Information required for this Request asks for disclosure of privileged and confidential information of a privately held company, not readily available to the public.**

21. **TRANSFER OF LICENSE:** The Applicant understands that if it plans to transfer its license to another entity, it is required to request authority from the Commission for permission prior to transferring the license. See 66 Pa. C.S. Section 2809(D). Transferee will be required to file the appropriate licensing application.

**Not Applicable. Applicant does not seek transfer of license.**

22. **ASSESSMENT:** The Applicant acknowledges that Title 66, Chapter 5, Section 510 grants to the Commission the right to make assessments to recover regulatory expenses and that as a supplier of electricity or an electric generation supplier it will be assessed under that section of the Pennsylvania Code. The Applicant also acknowledges that the continuation of its license as a supplier of electricity or an electric generation supplier will be dependent upon the payment of all prior years assessments.

**Applicant will adhere and acknowledges the Commissions right to make assessments to recover regulatory expenses.**

23. **UNIFORM STANDARDS OF CONDUCT AND DISCLOSURE:** As a condition of receiving a license, Applicant agrees to conform to any Uniform Standards of Conduct and Disclosure as set forth by the Commission.

**Applicant will adhere and agrees to conform to any Uniform Standards of Conduct and Disclosure as set forth by the Commission.**

24. **REPORTING REQUIREMENTS:** Applicant agrees to provide the following information to the Commission or the Department of Revenue, as appropriate:
- a. Reports of Gross Receipts: Applicant shall report its Pennsylvania intrastate gross receipts to the Commission on a quarterly and year to date basis no later than 30 days following the end of the quarter.
  - b. The Treasurer or other appropriate officer of Applicant shall transmit to the Department of Revenue by March 15, an annual report, and under oath or affirmation, of the amount of gross receipts received by Applicant during the prior calendar year.
  - c. Applicant shall report to the Commission the following information on an annual basis:
    - the percentages of total electricity supplied by each fuel source

**Applicant will meet periodic reporting requirements as may be issued by the Commission to fulfill the Commission's duty under Chapter 28 pertaining to reliability and to inform the Governor and Legislature of the progress of the transition to a fully competitive electric market.**

**Applicant will adhere and agrees to conform to any and all reporting requirements set forth by the Commission and/or Department of Revenue, as appropriate.**

25. **FURTHER DEVELOPMENTS:** Applicant is under a continuing obligation to amend its application if substantial changes occur in the information upon which the Commission relied in approving the original filing.

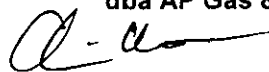
**Applicant will adhere and agrees to continuing obligation to amend its application if substantial changes occur in the information disclosed in the original filing.**

26. **FALSIFICATION:** The Applicant understands that the making of false statement(s) herein may be grounds for denying the Application or, if later discovered, for revoking any authority granted pursuant to the Application. This Application is subject to 18 Pa. C.S. §§4903 and 4904, relating to perjury and falsification in official matters.

**Application acknowledges that all statements made herein in this application is true and to the best of Applicant's knowledge.**

27. **FEE:** The Applicant has enclosed the required initial licensing fee of **\$350.00** payable to the Commonwealth of Pennsylvania.

Applicant: **AP Gas & Electric (PA), LLC**  
**dba APG&E**  
**dba AP Gas & Electric**

By:  \_\_\_\_\_

Name: **Chris Weaver** \_\_\_\_\_

Title: **Chief Financial Officer** \_\_\_\_\_

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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

AFFIDAVIT

State of Texas :

ss.

County of Harris :

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AUG 06 2010

Chris Weaver, Affiant, being duly [sworn/affirmed] according to law, deposes and says that:

He is the Chief Financial Officer of AP Gas & Electric (PA), LLC dba APG&E dba AP Gas & Electric

PUBLIC UTILITY COMMISSION SECRETARY'S BUREAU

That he/she is authorized to and does make this affidavit for said Applicant;

That AP Gas & Electric (PA), LLC dba APG&E dba AP Gas & Electric, the Applicant herein, acknowledges that [Applicant] may have obligations pursuant to this Application consistent with the Public Utility Code of the Commonwealth of Pennsylvania, Title 66 of the Pennsylvania Consolidated Statutes; or with other applicable statutes or regulations including Emergency Orders which may be issued verbally or in writing during any emergency situations that may unexpectedly develop from time to time in the course of doing business in Pennsylvania.

That AP Gas & Electric (PA), LLC dba APG&E dba AP Gas & Electric, the Applicant herein, asserts that [he/she/it] possesses the requisite technical, managerial, and financial fitness to render electric service within the Commonwealth of Pennsylvania and that the Applicant will abide by all applicable federal and state laws and regulations and by the decisions of the Pennsylvania Public Utility Commission.

That AP Gas & Electric (PA), LLC dba APG&E dba AP Gas & Electric, the Applicant herein, certifies to the Commission that it is subject to , will pay, and in the past has paid, the full amount of taxes imposed by Articles II and XI of the Act of March 4, 1971 (P.L. 6, No. 2 ), known as the Tax Reform Act of 1971 and any tax imposed by Chapter 28 of Title 66. The Applicant acknowledges that failure to pay such taxes or otherwise comply with the taxation requirements of Chapter 28, shall be cause for the Commission to revoke the license of the Applicant. The Applicant acknowledges that it shall report to the Commission its jurisdictional Gross Receipts and power sales for ultimate consumption, for the previous year or as otherwise required by the Commission. The Applicant also acknowledges that it is subject to 66 Pa. C.S. §506 (relating to the inspection of facilities and records).

As provided by 66 Pa. C.S. §2810 (C)(6)(iv), Applicant, by filing of this application waives confidentiality with respect to its state tax information in the possession of the Department of Revenue, regardless of the source of the information, and shall consent to the Department of Revenue providing that information to the Pennsylvania Public Utility Commission.

That AP Gas & Electric (PA), LLC dba APG&E dba AP Gas & Electric, the Applicant herein, acknowledges that it has a statutory obligation to conform with 66 Pa. C.S. §506, §2807 (C), §2807(D)(2), §2809(B) and the standards and billing practices of 52 PA. Code Chapter 56.

That the Applicant agrees to provide all consumer education materials and information in a timely manner as requested by the Bureau of Public Liaison or other Commission bureaus. Materials and information requested may be analyzed by the Commission to meet obligations under applicable sections of the law.

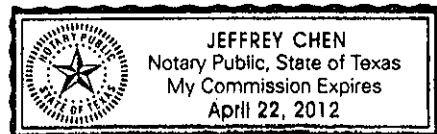
That the facts above set forth are true and correct/true and correct to the best of his/her knowledge, information, and belief.

[Signature]
Signature of Affiant

Sworn and subscribed before me this 6th day of August, 2010.

[Signature]
Signature of official administering oath

My commission expires April 22, 2012



# AFFIDAVIT

[Commonwealth/State] of Texas :

ss.

County of Harris :

**Chris Weaver** according to law, deposes and says that:

He is the **Chief Financial Officer of AP Gas & Electric (PA), LLC dba APG&E dba AP Gas & Electric**

That he is authorized to and does make this affidavit for said Applicant;

That the Applicant herein **AP Gas & Electric (PA), LLC dba APG&E dba AP Gas & Electric** has the burden of producing information and supporting documentation demonstrating its technical and financial fitness to be licensed as an electric generation supplier pursuant to 66 Pa. C.S. § 2809 (B).

That the Applicant herein **AP Gas & Electric (PA), LLC dba APG&E dba AP Gas & Electric** has answered the questions on the application correctly, truthfully, and completely and provided supporting documentation as required.

That the Applicant herein **AP Gas & Electric (PA), LLC dba APG&E dba AP Gas & Electric** acknowledges that it is under a duty to update information provided in answer to questions on this application and contained in supporting documents.

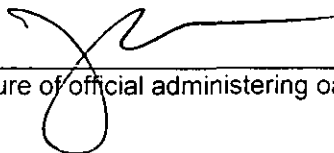
That the Applicant herein **AP Gas & Electric (PA), LLC dba APG&E dba AP Gas & Electric** acknowledges that it is under a duty to supplement information provided in answer to questions on this application and contained in supporting documents as requested by the Commission.

That the facts above set forth are true and correct to the best of his/her knowledge, information, and belief, and that he/she expects said Applicant to be able to prove the same at hearing.



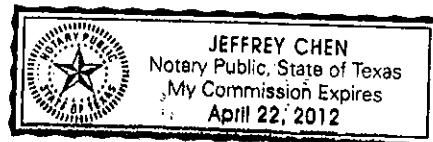
\_\_\_\_\_  
Signature of Affiant

Sworn and subscribed before me this 6<sup>th</sup> day of August, 2010.



\_\_\_\_\_  
Signature of official administering oath

My commission expires April 22, 2012



**AFFIRMATION**

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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

State of Texas :

ss.


County of Harris :

**Chris Weaver** according to law, deposes and says that:

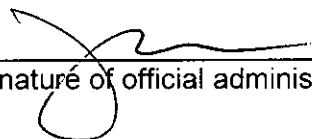
He is the **Chief Financial Officer of AP Gas & Electric (PA), LLC dba APG&E dba AP Gas & Electric**

By submitting this Application, I swear or affirm that I am an executive officer of the retail electric provider submitting this Application and that all statements and representations submitted herein are true and correct to the best of my knowledge.

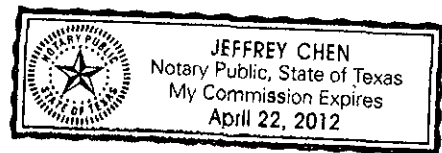
That the facts above set forth are true and correct/true and correct to the best of his/her knowledge, information, and belief.

  
\_\_\_\_\_  
Signature of Affiant

Sworn and subscribed before me this 6<sup>th</sup> day of August, 2010.

  
\_\_\_\_\_  
Signature of official administering oath

My commission expires April 22, 2012



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Recipient's Copy

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**1 From** This portion can be removed for Recipient's records.

Date 8/16/10 FedEx Tracking Number 873014578829

Sender's Name Tesfay Chen Phone 713 337-2900

Company AFFORDABLE POWER PLAN

Address 6161 SAVOY DR STE 500 Dept./Floor/Suite/Floor

City HOUSTON State TX ZIP 77036-3326

**2 Your Internal Billing Reference**

**3 To** Recipient's Name James McNulty, Sec. Phone \_\_\_\_\_

Company Pennsylvanian Public Utility Commission

Address Keystone Building Rm N201  HOLD Weekday  
FedEx location address REQUIRED NOT available for FedEx First Overnight.

Address 2nd Floor, (Rm N201)  HOLD Saturday  
FedEx location address REQUIRED ONLY for FedEx Priority Overnight and FedEx 2Day to select locations.

City Harrisburg State PA ZIP 17120

0422038146



8730 1457 8829

**4a Express Package Service** \* To most locations. Packages up to 150 lbs.

FedEx Priority Overnight  FedEx Standard Overnight  FedEx First Overnight  
Next business morning. \*\* Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected. Next business a.moon. Saturday Delivery NOT available. Earliest next business morning delivery to select locations.

FedEx 2Day  FedEx Express Saver  
Second business day\*\* Thursday shipments will be delivered on Monday unless SATURDAY Delivery is selected. Third business day. Saturday Delivery NOT available.

**4b Express Freight Service** \*\* To most locations. Packages over 150 lbs.

FedEx 1Day Freight  FedEx 1Day Freight Booking No.  
Next business day\*\* Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.

FedEx 2Day Freight  FedEx 3Day Freight  
Second business day\*\* Thursday shipments will be delivered on Monday unless SATURDAY Delivery is selected. Third business day. Saturday Delivery NOT available.

**5 Packaging** \* Declared value limit \$500.

FedEx Envelope\*  FedEx Pak\*  FedEx Box  FedEx Tube  Other  
Includes FedEx Small Pak and FedEx Large Pak.

**6 Special Handling and Delivery Signature Options**

SATURDAY Delivery NOT available for FedEx Standard Overnight, FedEx Express Saver, or FedEx 3Day Freight.

No Signature Required  Direct Signature  Indirect Signature  
Packages may be left without obtaining a signature for delivery. Someone at recipient's address may sign for delivery. Fee applies. If no one is available at recipient's address, someone at a neighboring address may sign for delivery. For residential deliveries only. Fee applies.

**Does this shipment contain dangerous goods?**

No  Yes  Yes  Dry Ice  Cargo Aircraft Only  
One box must be checked. Shipper's Declaration not required. Dry Ice, 9, UN 1845 x \_\_\_\_\_ kg. Dangerous goods (including dry ice) cannot be shipped in FedEx packaging or placed in a FedEx Express Drop Box.

**7 Payment Bill to:**

Obtain recip. Acct. No.

Sender  Recipient  Third Party  Credit Card  Cash/Check  
Acct. No. in Section I will be billed.

Total Packages \_\_\_\_\_ Total Weight \_\_\_\_\_ lbs. Credit Card Auth. \_\_\_\_\_

\*Our liability is limited to \$100 unless you declare a higher value. See the current FedEx Service Guide for details.

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